

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

Jerome Dietz

Plaintiff

v.

Zodiac Seats US, LLC

Defendants

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CIVIL ACTION NO. 4:18-cv-560

PLAINTIFF'S UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

This case is currently scheduled for trial August 17, 2020.

General Order 20-03 Court Operations Under Exigent Circumstances Created by the COVID-19 Pandemic, entered in this District on March 16, 2020, found that public health considerations reduced the Court's ability to obtain an adequate spectrum of jurors and reduced the availability of attorneys and Court staff to be present in courtrooms. While the prohibition on jury trials has expired, Plaintiff and his counsel urge the Court to consider the same facts set forth in General Order 20-03, the age of the Plaintiff (72 years), and the recent escalation of COVID-19 cases and hospitalizations reported in many counties within the Eastern District of Texas, including Denton County, where Plaintiff's counsel resides and works.¹

Additionally, this is an age discrimination case. It is well established that COVID-19 virus causes more complications and higher hospitalization rates for those over age 70.² Holding a jury trial in this case during the increase in cases not only disproportionately jeopardizes the health of

¹ Denton County reports 665 new cases in the past week and an ICU occupancy at 62.4% on July 9, 2020.

<https://gis-covid19-dentoncounty.hub.arcgis.com/pages/covid-19cases>

² <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html>

the Plaintiff, but common sense dictates and at least one study shows that the pandemic will most likely decrease participation of those summoned for jury duty in Plaintiff's age group.³

This continuance is not sought for the purpose of delay, but so that justice may be done.

WHEREFORE, Plaintiff prays that this matter be continued from its present trial setting.

Respectfully submitted,

WOOD WEATHERLY

– TRIAL LAW –

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/s/ Grace Weatherly

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

On July 10th, 2020, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Eastern District of Texas, using the electronic case filing system of the Court, serving all counsel of record under FRCP 5(b)(2), including the following:

Paul E. Hash (Paul.Hash@jacksonlewis.com)

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/s/ Grace Weatherly

³ https://www.ncsc.org/_data/assets/pdf_file/0006/41001/NCSC-Juries-Post-Pandemic-World-Survey-Analysis.pdf. From June, 2020 survey, 74% of those under age 50 would report, 65% of those ages 50-64 and 53% of those over age 65 would report if summoned for jury duty.

CERTIFICATE OF CONFERENCE

On July 10th, 2020, the undersigned and counsel for Defendant, Paul Hash, conferred as required by Local Rule CV-7(h) and the motion is unopposed.

/s/ Grace Weatherly